

CONSTRUCT, OPERATE, AND/OR USE WITHIN THE COUNTY ROAD RIGHT-OF-WAY

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I. SCOPE

This policy is intended to provide to the general public, businesses, utilities, and governmental entities, the requirements and specifications of the St. Joseph County Road Commission (SJCRC) to construct, operate, maintain, use and/or remove within the public Right-of-Way (ROW).

If any part of this policy is found invalid, such invalidity will not affect the validity of the remaining portions.

II. GENERAL REQUIREMENTS

A permit is required for utilizing any portion of the ROW by any person, partnership, association, corporation, or governmental entity to construct, operate, maintain or remove a facility or perform any other work. The SJCRC reserves the right to inspect any activities within the ROW.

Reasonable permit requirements, supplemental specifications and a schedule of permit and inspection fees are adopted as necessary by the Board. Fees charged are sufficient to cover the necessary and actual costs applied in a reasonable manner for the issuance of the permit and for review of the proposed activity, inspection and related expenses. Expenses will be charged accordingly per the SJCRC Schedule of Fees.

A permit application shall be submitted on the appropriate SJCRC form or through Oxcart. After the application is approved and given a permit number by the Permit Agent or designee, it becomes a permit.

The application/permit does not relieve the permittee of meeting any applicable requirements of law or of other public bodies or agencies.

Any rules or regulations stated on the application/permit form and not stated in this policy are applicable.

The permittee or contractor shall comply with the MIOSHA, AASHTO, Michigan Motor Vehicle Codes, and soil erosion and sedimentation control regulations for all activities undertaken in the ROW.

Any generally accepted engineering practice, guideline, rule, or standard not specifically provided for is hereby incorporated by this reference.

All permit applications shall meet the following basic requirements before they are accepted for processing:

Each permit application shall be filled out completely and signed by the permittee or contractor. If the contractor is not known at the time a permit is issued, the SJCRC shall be notified, in writing, of the contractor's name, address, and telephone number before work may start. A separate permit will be required for each contractor, clearly delineating the area of work responsibility.

- A. Design plans or drawings shall accompany each copy of the permit application showing the existing public road pavement, ditches, ROW and property lines, public road appurtenances, utilities and dimensions preferably in electronic form. A permit application from utility companies will not require other utility locations to be shown.
- B. The permittee shall have proof of insurance on file in the SJCRC office that complies with the permit application requirements.

The permittee shall have a copy of the permit available at the site during ROW activities.

Work authorized by the permit shall be completed to the satisfaction of the SJCRC on or before the completion date shown on the permit. Extension of time may be granted with a written request for extension due to inclement weather or unforeseen circumstances.

A permit may be suspended or revoked at will. Upon the SJCRC's request and at the permittee's own expense, the permittee shall surrender the permit and alter, relocate or remove the facilities for which the permit was granted.

A permit will become immediately null and void if the terms of the permit are violated. The SJCRC may require immediate removal of the permittee's facilities or may remove them without notice at the permittee's expense.

III. TEMPORARY CLOSURE OF A HIGHWAY

In compliance with [PA 200 of 1969](#) (MCL 247.323), as amended, commonly known as Driveway, Banners and Parades, a permit to temporarily close a highway, or portion of a highway, for a parade, celebration, festival or similar activity, and a permit for banners, decorations or similar objects to overhang the traveled way of a highway, may be issued by the SJCRC only if requested by an authorized official designated by resolution of the governing body of a city, village or township.

The SJCRC Right of Way Application shall be submitted for approval prior to issuance of the permit and activity.

The permit for the temporary closing of a highway shall indicate the date and time the highway is to be closed to traffic, the date and time the highway is to be reopened to traffic, traffic control and such other information that the SJCRC may require. Permittee shall be responsible for the installation and all costs for traffic control devices. Notification to emergency services and governmental agencies shall also be the responsibility of the permittee.

No permit will be issued for the partial or complete closing of a highway unless the SJCRC is satisfied that adequate arrangements have been made for the handling of highway traffic during such closure.

Any banner shall be securely fastened, shall have a minimum bottom height of 18 feet above the surface of the traveled way, shall be placed no closer than 100 feet in advance of traffic control devices, and shall be placed so as not to obstruct a clear view of traffic control devices. Banners shall not be attached to trees.

The permittee shall, at its sole expense, immediately following the conclusion of the permitted activity clean up and remove any litter, debris, refuse, etc., placed or left in the ROW as a result

of the permitted activity. In the event that the permittee fails to clean up as required, the permittee shall reimburse the SJCRC for the cost thereof.

IV. TRANSPORTATION PERMITS

A. General Provisions

1. An application/permit issued under these regulations shall be in writing on a form issued by the SJCRC and properly executed by the owner of the vehicle for which the permit is being requested.
2. A permit will be issued to the company or individual actually transporting a vehicle and/or load which exceeds the legal size and axle weight limitations provided the vehicle and/or load cannot be readily dismantled, reduced, or otherwise rearranged to come within the legal limits, as provided for in Wheel and Axle Loads (PA 300 of 1949 [MCL 257.722](#)).
3. During times of restricted load-limit/seasonal weight restriction, as set forth in PA 300 of 1949, as amended, ([MCL 257.722](#) (7) commonly referred to as Seasonal Road Restrictions), and at any other time when conditions are unfavorable, a permit will not be issued for overweight vehicles and/or overweight loads. A permit issued for overweight vehicles and/or overweight loads on a seasonal basis will not be valid during periods of reduced loading restrictions.
4. A permit will not supersede posted load limitations on any bridge, culvert, or road.
5. The SJCRC reserves the right to refuse to issue a transportation permit when the condition of the road is such that above-legal load limitations would cause harm or injury to the bridge, culvert, or public road.
6. A copy of the permit shall be in the transporting vehicle.
7. A vehicle shall be loaded in such a manner as to minimize the excess over-statutory size or axle weight limitations. A load shall be arranged to affect the least dimensions for height, length, or width.

B. Seasonal Agricultural Commodity Permit

The SJCRC Seasonal Agricultural Permit application shall be submitted for approval prior to the issuance of the permit. Permits are issued on Oxcart.com.

This permit may be issued during seasonal weight restrictions on a per-move basis or with a blanket permit with route notifications. Moves for agricultural commodities shall be within the following parameters:

Weight: Up to legal per-axle loads, or a maximum of 700 lb. /in. of tire width, whichever is lesser of the two

1. Permittee shall comply with all requirements prescribed in the Agricultural Commodities Exclusion as provided for in PA 300 of 1949 [MCL 257.722](#) (5) and [MCL 257.722](#) (13a) in the Michigan Vehicle Code.

2. A permit shall be obtained not less than 48 hours before pickup or delivery.
3. Designated route of travel shall be approved by the SJCRC.
4. The date and time of the movement shall be submitted and approved by the SJCRC.
5. A permit may designate a maximum speed of travel, if necessary.
6. Any other conditions agreed to between the parties.

C. Blanket Permit

The SJCRC Blanket Permit application form shall be submitted in Oxcart for approval prior to the issuance of the permit.

This permit does not supersede the restricted load-limit requirements during seasonal weight restrictions.

1. Permittee shall follow all the general provisions of transportation permits.
2. All vehicles under the blanket permit shall be submitted in a list when applying for the Blanket Permit.
3. A notice of move with load description, weights and route shall be submitted in Oxcart not less than 48 hours prior to the move for the route to be reviewed. If a notice of move is not submitted, it shall not be covered under the Blanket Permit.
4. Blanket permits will not be valid for more than 365 days.

V. RIGHT OF WAY PERMITS

Prior to commencement of a project, a Right of Way permit application shall be completed. As per Michigan Compiled Law Public Act 368 of 1925 MCL 247.184 Section 14 "the consent of the Board of County Road Commissioners shall be obtained before the work of such construction shall be commenced; ..." No person, organization, or governmental unit shall undertake or conduct any of the following activities within county road right of way unless a permit to allow such activities has been obtained from the St. Joseph County Road Commission (SJCRC).

- Construct, reconstruct, relocate, repair any facilities (sewer, water, gas, electric, drains, telephone, cable, fiber, guys/anchors, etc.)
- Perform any work (ditching, tree trimming, landscaping, etc.)

Failure to comply with any part of this document shall be just cause for either temporary or permanent suspension of the permit, as well as the permit holders other permits.

Plan Requirements

All permit applications shall be accompanied by a set of plans which shall include the following:

- Drawing(s) on a proper size sheet at a reasonable scale for the proposed work with an arrow depicting north.
- Existing road pavement, ditches, cross culverts, and dimensions thereof.

- Location of all existing utilities and driveways including surface type and diameter and length of culverts.
- Show location of all proposed construction with dimensions from the right of way line and existing centerline.
- Show the distance to the nearest monument box or section corner.
- Ditching plans must show watershed area, existing and proposed grades, ditch depth relative to roadway and calculations used in culvert sizing.

Variations to these procedures must be approved by the SJCRC.

General Requirements for all Utilities

- A. All utility crossings of the public roadway shall be perpendicular within the road right of way, unless SJCRC approved variance. Utilities running parallel to the road shall be installed at or near the edge of road right of way unless otherwise agreed upon by the Engineer. All material and workmanship shall comply with the current Michigan Department of Transportation Standard Specifications for Construction (MDOT Specs). Materials shall meet American Association of State Highway and Transportation Officials (AASHTO) standards as noted herein.
- B. As per MDOT Road Design Manual, Section 9.02.02 (revised 2-19-2013) ... "if conflicts between private utilities and a trunkline (roadway) improvement project exist, relocation or adjustment of the utility is at the utility company's expense as stated in Act 367, Public Acts of 1925" ...
- C. All installation activity shall conform to the permit terms and conditions listed on the reverse side of the Right of Way permit issued by SJCRC.
- D. The construction, maintenance, or reconstruction of all facilities shall be as described in an approved engineered drawing and permit.
- E. The permit holder shall notify the SJCRC by fax, email, or phone call between 24 and 48 hours before beginning construction.
- F. All permits issued shall have clean-up and restoration performed at the time of installation. The restoration shall include, at a minimum: 3" topsoil, seed (summer or winter blend), and staked mulch blankets. Any variances shall be approved by the SJCRC prior to performing the work.
- G. Any permits not completed by November 15th must be resubmitted with the SJCRC and will be charged a new permit fee in accordance with the current SJCRC fee schedule. Winter permits may be issued at the discretion of the SJCRC. Winter construction practices shall be followed, or the permit will be revoked.
- H. Work crews shall have all applicable permits onsite. Miss Dig is to be notified prior to any work. No work shall be allowed on an unmarked location.
- I. All work shall be performed Mondays through Fridays between 8:00 A.M. and 5:00P.M unless written approval is obtained from the SJCRC. If road closures are permitted by the SJCRC they shall be done during off-peak traffic hours, between the hours of 9:00 A.M. and 3:00 P.M. unless otherwise approved and/or directed by the SJCRC.
- J. If a road closure is not approved, traffic shall be maintained at all times. Sheeting may be required to protect the road if the conditions warrant sheeting. The road surface may not be used for the storage of materials or any other construction purpose without prior approval of the SJCRC. Depending on traffic volumes and other conditions, the SJCRC may require the permit holder to provide bypass lanes (either paved or unpaved), may allow one-lane traffic

- properly controlled, or some combination of the two. Traffic control shall be in accordance with the SJCRC Maintaining Traffic Spec.
- K. In the event of an emergency, a permit shall be obtained as soon as possible, but no later than the next working day. Immediate notification must be given to the SJCRC for emergency (public, safety, health, and welfare) work which requires the removal of the road surface. If the SJCRC cannot be reached, St. Joseph County Central Dispatch shall be notified and a fax, phone message, or email shall be submitted to the SJCRC offices.
 - L. Routine inspections may be charged to an account established in the Utility's name. If damages are identified from routine inspections, the utility will be contacted immediately. Repairs will be determined to keep the road safe for public travel. Charges by the SJCRC maintenance crews may be made to the Utility's account for immediate repairs. Examples: bituminous patching or limestone/gravel patching, grading, or dust control.
 - M. The contractor when performing work authorized by permit, within the right of way or on a project is responsible for protecting the life and health of all personnel, the safety and health of the public, and property during the construction of the project. The Contractor must comply with all local, state, and federal laws and regulations governing construction methods and the furnishing and use of safeguards, safety devices, protective equipment, and environmental and hazardous materials controls. All workers must wear high-visibility safety apparel as specified in the MMUTCD. Costs incurred to comply with this requirement is the responsibility of the contractor. Failure to follow these requirements may result in termination of the permit/contractor.
 - N. Any permit holder who conducts his/her operations in a manner detrimental to the Road Commission's statutory obligation of maintaining roads and streets at all times in a safe and fit condition for the travelling public will be required to cease all operations within the right of way. If necessary, additional cash deposits and expense maintaining a SJCRC inspector (full-time) may be required from the permit holder before the resumption of work.
 - O. Winter Construction Procedure:
 - i. Permitted work may be allowed at the discretion of the SJCRC during winter restrictions (Nov. 15-May. 15) contingent on the following:
 - 1. The work shall be scheduled (day and time) with the SJCRC at least 48 hours in advance. An inspector shall meet the crew onsite at the stated day and time to ensure they have the proper signs, equipment, and restoration materials on site.
 - 2. All frozen material shall be removed and replaced with suitable materials.
 - 3. All cleanups shall be finished immediately following the installation of the utility. This would include topsoil, seed, and mulch blankets. Please note that either winter seed or wheat will have to be used to prevent spring erosion. Before beginning another job, all cleanup from the previous job shall be complete.
 - 4. If inclement weather presents itself, all work shall be rescheduled, and all equipment shall be removed from the right of way.

Requirements for Underground Utilities:

- A. Depth: Utilities shall be installed at a minimum of 48"
- B. Material: All materials shall meet requirements as stated in the MDOT Standard Spec, section 401, 402.02, and 409

- C. Exposed Outlet: When the cross pipe has an exposed outlet, a concrete ring, a steel end section, or a concrete end section shall be installed as per MDOT specs 404.02.C. A rodent screen shall also be installed. As shown in MDOT Standard Plan R-80-Series.
- D. Agricultural Drain: Connections shall be made outside the right of way unless approved by the SJCRC. All material inside the right of way shall meet SJCRC standards. If surface water may enter the drain, pipe shall be placed inside SJCRC approved Steel casing under the roadway.
- E. Bore or Jack: When the pipe is installed by boring or jacking, the leading edge of the pipe shall proceed the auger by $\frac{1}{2}$ times the diameter of the pipe. If the auger cannot be operated inside the utility pipe, a casing will be required. A casing pipe may also be required at other times when deemed necessary by the SJCRC. Directional boring methods may not require casing. If directional boring is to be used, the SJCRC will evaluate requirements on a case-by-case basis.
- F. Shaft or Pit: All shafts or pits shall be located at least 10 feet off the edge of the pavement on all county roads. If the shaft or pit must be closer to the road than the above dimensions due to the location of the utility to be tapped, SJCRC approval shall be required. Sheet piling or shoring shall be used on all sides of the excavation which are closer to the road than the above requirements. Protection-Fencing barriers shall be installed at the site until backfilled. Backfill shall meet trench backfill requirements with suitable material.
- G. Drilling Fluids: Drilling fluid shall be used during drilling and back reaming operations. Excess drilling fluids shall be contained in a lined pit or containment pond, or trailer-mounted portable tank, until removed from site. Drilling fluids shall not be allowed to enter the streets, manholes, sanitary and storm sewers, and other drainage systems, including county drains, streams, and rivers.
- H. Fill Voids: All voids shall be filled by pressure grouting or approved methods. If any settlement or change in grade occurs, the road shall be reconstructed to proper grade.
- I. Open Cut: If the SJCRC approves crossing the road by the open cut method, the provisions for handling traffic will be as directed by the SJCRC. Approval of road closures will usually require that detours be installed in accordance with SJCRC Maintaining Traffic Spec. Requests for road closures must be made in writing and include the location, length of time the road will be closed, approximate starting and completion dates, and reasons for the request. Open cut crossings shall be made during off-peak traffic hours, normally between the hours of 9:00 A.M. and 3:00 P.M. unless otherwise approved and/or directed by the SJCRC.
- J. Pavement Removal: All utility trenches crossing major roads by the open-cut method shall remove pavement to a minimum width of 5 feet and at least 1 foot wider on each side of the trench. All pavement removals require SJCRC approval.
- K. Saw Cut: The pavement shall be cut by sawing unless otherwise approved. All saw cuts shall be made in a straight line and shall be parallel to existing transverse and longitudinal joints unless otherwise approved.
- L. Backfill: Backfill shall be as per the MDOT Spec Section 401.03D. MDOT certified Class II sand up to 6" (six inches) below the bottom of the existing surface. Remaining 6" backfill shall be 23A crushed gravel or 23A crushed limestone, matching existing material. A copy of the certified mechanical analysis shall be supplied to the SJCRC for all material used. Match existing thickness of hard surface for 3" (three inches) of 13A bituminous or LVSP, whichever is greater.
- M. Density: For all open cuts or if work is done within a 1' on 1' influence from the edge of the gravel shoulder backfill shall be in appropriate lifts with density tests taken. A copy of results shall be supplied to the SJCRC. Density to a minimum of 95%. Class II sand compacted to

95% maximum weight as per MDOT Specs Section 401.03D. Aggregate compacted to 98% of the maximum unit weight at no greater than optimum moisture content, as per MDOT Specs Section 307.03.

- N. Fiber Optic Cables: All fiber optic cables shall be installed between 28' and 33' from the center of the road right of way. Installations shall be in straight lines in-so-far as possible, with deflections subject to approval in advance. Marker posts shall be installed at all cross culverts & intersections to clearly mark the location. Additional markers will be required at deflections. Caution ribbon shall be installed with the cable. Caution ribbons must be installed 12"-18" above the cable.

Road Crossing Method

All crossings will be done by approved methods other than the open-cut method if possible and all crossing shall be perpendicular within the road right of way. Any variance must be approved by the SJCRC.

- A. Gravel Road: allowed to open cut a trench with proper backfill as per MDOT Specs, Section 401.03D. Class II sand up to 6" from top of road. Remaining 6" shall be 23A crushed gravel or 23A crushed limestone, matching existing. Contractor shall meet all requirements for underground utilities. Proper notification shall be done by the contractor to central dispatch, post office, and school district (if during school year).
- B. Hard Surfaced Road: All requests for hard surfaced road open cuts must obtain SJCRC Engineer Approval. If allowed to open cut, backfill as per MDOT Specs, Section 401.03D. Class II sand up to 6" from top of road. Remaining 12" shall be 23A crushed gravel or 23A crushed limestone, matching existing is required. Match existing thickness of hard surface or 3" of 13A bituminous or 4EL, whichever is greater. Contractor shall meet all requirements for underground utilities. Proper notification shall be done by the contractor to central dispatch, post office, and school district (if during school year).

Requirements for Overhead Utilities

- A. All overhead crossings of the public roadway shall be perpendicular within the road right of way, unless SJCRC approved variance. Location shall be no closer than 100' horizontally to a water crossing of 36" diameter or more. Utilities running parallel to the road shall be installed at or near the edge of the road right of way unless otherwise agreed upon by the engineer. All material and workmanship shall comply with the current MDOT Specs for Construction, the National Electrical Code (NEC), as well as the National Electrical Safety Code (NESC).
- B. The utility company shall notify the SJCRC of project completion. All roads affected by the project will be reviewed for damage by SJCRC. If deemed necessary by the SJCRC, a plan will be identified to have repairs completed within a specific time frame. If repairs are not completed within the time frame, all future permits will be held until an agreement is established with the SJCRC.
- C. Vertical clearance of wires, conductors, and cables over SJCRC roadways for an unloaded sag with no wind at 60 degrees F shall not be less than 18 feet. The vertical clearance of wires, conductors, and cables over these roadways for a loaded sag with ice at 32 degrees F shall not be less than 15 feet 6 inches.
- D. All utility poles shall be located a minimum of 31 feet from the center of the roadway. In areas of wider right of way, poles shall be located a minimum of 40 feet from the center of the roadway. Upon decommissioning of the poles, they shall be removed from the right of way by the utility at no additional cost to the SJCRC.

VI. Private and Semiprivate Facilities

No individual shall be permitted to construct any private or semi-private buildings, wholly or partly within the right-of-way

Individuals may be permitted to construct semi-permanent facilities, other than buildings, wholly or partly within the right-of-way if it is determined by the SJCRC to not cause a danger to the motoring public. These facilities shall be removed, at no expense to the SJCRC, upon written notification of the SJCRC.

Wells or Septic tanks may be permitted wholly or partially within the right-of-way only after it is determined by the St. Joseph County Health Department that these facilities cannot fit in the parcel that they are servicing.

VII. PUBLIC UTILITY ANNUAL MAINTENANCE PERMIT

The following is a list of the activities which utility companies will be allowed to undertake within the SJCRC road right of way under an annual permit, and the conditions under which activities will be allowed.

A. Allowable Annual Permit Activities:

1. Repair existing underground conduit, buried cable, buried wire, and pipe (not under pavement).
2. Replacement of bad cable sections with like size up to 200 feet parallel to the roadway or up to 66 feet perpendicular to the roadway. This only applies if all excavation is at least 10 feet from the edge of the road. If the replacement cable is to be placed outside the immediate area (more than 2 feet away from the existing location centerline), special permission is required to do so. (this item does not apply to gas mains).
3. Near-side service leads may be installed up to 300 feet parallel to the roadway.
4. Insertion of plastic pipe inserts or lining through existing mains (no pavement cuts)
5. Install buried cable or wire loop/lateral to an existing pole in an existing pole line or to an existing pedestal. This may include crossing of the road by squeeze boring or pushing one pipe 2 inches or less in diameter.
6. Install, remove, or replace any case with similar size on existing buried cable or wire.
7. Replace open wires, single pair rural wire, and/or drop wire with multiple line wire or small cable on the same pole line.
8. Repair and maintenance of open wire, multiple type wire, drop wire, and aerial wire.
9. Replacement of or add up to two poles within or beyond existing pole line, provided that poles are not relocated laterally and that no tree work is required because of increased pole height.
10. Repair and/or replace leaking, distressed, or otherwise damaged sections up to 50 feet of existing gas mains (except under pavement). Backfill and restore in accordance with this policy.
11. Adding or replacing guys and/or anchors to poles parallel to the road or directed away from the road.
12. Install aerial drops which do not require a new pole within road right of way outside of existing pole line or install aerial drop along with intermediate pole in an existing pole line to permit installing a drop.
13. Inspect and maintain systems, valves, and meters and their associated manholes.
14. Conduct soil borings outside of the traveled surface. Voids shall be backfilled with suitable material and borings in asphalt or concrete shall be capped.
15. System tie-ins to existing near-side facilities (except under pavement).
16. Survey work, locating, and investigating utility facilities.

17. Tree work.
 18. Place and replace utility marker posts.
- B. Conditions for Annual Maintenance Permit Activities
1. Miss Dig is to be notified prior to any work. No work shall be allowed in an unmarked location.
 2. Except for survey, location, and investigation work, as well as aerial repair, the annual maintenance permit does not apply during winter shutdown (Nov.15 to Apr. 15).
 3. The SJCRC shall be notified of all work in advance with the approximate location and date. Failure to provide the required notification and other disruptions (such as improper signing/safety issues) shall result in an additional inspection charge of 4 hours of inspection time to cover time lost in scheduling and other related costs incurred by the road commission. Emergency repairs may be made with notification given to the road commission as soon as possible, but no later than the next working day.
 4. Any work requiring pavement removal requires a separate permit. If emergency repairs are necessary under the pavement, refer to the first section of this policy regarding notification.
 5. Monthly reports shall be submitted to SJCRC permits listing the location, date, and type of work for each activity performed. These reports shall be provided within 7 calendar days after the end of each month.

Failure to comply with any of the above conditions, or to submit timely payment of all fees and monthly bills will result in the cancellation of the annual permit. At such a time, a separate utility permit shall be required for all work within the road right of way per the requirements set forth previously in this policy.

VIII. GENERAL PROVISION

Construction Guideline provisions provided may be modified by Board policy and/or applicable state and federal law.

Adopted: April 1, 2026

Amended: October 21, 2026